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| TRANSMITTAL LETTER TO THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US) CONCERNING A SUBMISSION UNDER 35 U.S.C. 371 | | ATTORNEY'S DOCKET NUMBER 2870 (203-3505) |
| INTERNATIONAL APPLICATION NO. PCT/US2003/131651 ✓ | INTERNATIONAL FILING DATE 06 October 2003 ✓ | U.S. APPLICATION NO. (If known, see 37 CFR 1.5) TO BE ASSIGNED 10/528851 |
| | | PRIORITY DATE CLAIMED 04 October 2002 ✓ |
| TITLE OF INVENTION PNEUMATIC POWERED SURGICAL STAPLING DEVICE | | |
| APPLICANT(S) FOR DO/EO/US Philip C. ROY | | |
| Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information: | | |
| <p>1. <input checked="" type="checkbox"/> This is a FIRST submission of items concerning a submission under 35 U.S.C. 371.</p> <p>2. <input type="checkbox"/> This is a SECOND or SUBSEQUENT submission of items concerning a submission under 35 U.S.C. 371.</p> <p>3. <input type="checkbox"/> This is an express request to begin national examination procedures (35 U.S.C. 371(f)). The submission must include items (5), (6), (9) and (21) indicated below.</p> <p>4. <input checked="" type="checkbox"/> The US has been elected (Article 31).</p> <p>5. <input checked="" type="checkbox"/> A copy of the International Application as filed (35 U.S.C. 371(c)(2)) <ul style="list-style-type: none"> a. <input checked="" type="checkbox"/> is attached hereto (required only if not communicated by the International Bureau). b. <input type="checkbox"/> has been communicated by the International Bureau. c. <input type="checkbox"/> is not required, as the application was filed in the United States Receiving Office (RO/US). </p> <p>6. <input type="checkbox"/> An English language translation of the International Application as filed (35 U.S.C. 371(c)(2)). <ul style="list-style-type: none"> a. <input type="checkbox"/> is attached hereto. b. <input type="checkbox"/> has been previously submitted under 35 U.S.C. 154(d)(4). </p> <p>7. <input type="checkbox"/> Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3)) <ul style="list-style-type: none"> a. <input type="checkbox"/> are attached hereto (required only if not communicated by the International Bureau). b. <input type="checkbox"/> have been communicated by the International Bureau. c. <input type="checkbox"/> have not been made; however, the time limit for making such amendments has NOT expired. d. <input type="checkbox"/> have not been made and will not be made. </p> <p>8. <input type="checkbox"/> An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).</p> <p>9. <input checked="" type="checkbox"/> An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)).</p> <p>10. <input type="checkbox"/> An English language translation of the annexes of the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)).</p> | | |
| Items 11 to 20 below concern document(s) or information included: | | |
| <p>11. <input checked="" type="checkbox"/> An Information Disclosure Statement under 37 CFR 1.97 and 1.98.</p> <p>12. <input checked="" type="checkbox"/> An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.</p> <p>13. <input checked="" type="checkbox"/> A preliminary amendment.</p> <p>14. <input type="checkbox"/> An Application Data Sheet under 37 CFR 1.76.</p> <p>15. <input type="checkbox"/> A substitute specification.</p> <p>16. <input checked="" type="checkbox"/> A power of attorney and/or change of address letter.</p> <p>17. <input type="checkbox"/> A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 and 37 CFR 1.821- 1.825.</p> <p>18. <input type="checkbox"/> A second copy of the published International Application under 35 U.S.C. 154(d)(4).</p> <p>19. <input type="checkbox"/> A second copy of the English language translation of the international application under 35 U.S.C. 154(d)(4).</p> <p>20. <input checked="" type="checkbox"/> Other items or information: Cert. of Express Mail, Fee Transmittal For FY 2005, Copy of PCT/IB/308 Form, Search Report Dated 5/26/2004</p> | | |

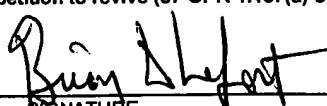
This collection of information is required by 37 CFR 1.414 and 1.491-1.492. The information is required to obtain or retain a benefit by the public, which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 15 minutes to complete, including gathering information, preparing, and submitting the completed form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop PCT, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

JC06 Rec'd PCT/PTO 23 MAR 2005

PTO-1390 (Rev. 02-2005)

Used for use through 3/31/2007. OMB 0651-0021
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

| | | | | | |
|--|--------------|--|---------|---|--|
| U.S. APPLICATION NO. (if known, see 37 CFR 1.5) TO BE ASSIGNED 101528851 | | INTERNATIONAL APPLICATION NO. PCT/US2003/031651 | | ATTORNEY'S DOCKET NUMBER 2870 (203-3505) | |
| The following fees have been submitted | | | | | |
| 21. <input checked="" type="checkbox"/> Basic national fee..... | | \$300 | | CALCULATIONS PTO USE ONLY \$ \$300.00 | |
| 22. <input type="checkbox"/> Examination fee If International preliminary examination report prepared by USPTO and all claims satisfy provisions of PCT Article 33(1)-(4)..... All other situations..... | | \$100 \$200 | | \$ \$200.00 | |
| 23. <input type="checkbox"/> Search fee Search fee (37 CFR 1.445(a)(2)) has been paid on the international application to the USPTO as an International Searching Authority..... International Search Report prepared and provided to the Office..... All other situations..... | | \$100 \$400 \$500 | | \$ \$500.00 | |
| TOTAL OF 21, 22 and 23 = | | | | \$ \$1,000.00 | |
| <input type="checkbox"/> Additional fee for specification and drawings filed in paper over 100 sheets (excluding sequence listing or computer program listing filed in an electronic medium). The fee is \$250 for each additional 50 sheets of paper or fraction thereof. | | | | | |
| Total Sheets | Extra Sheets | Number of each additional 50 or fraction thereof (round up to a whole number) | RATE | | |
| 33 - 100 = | /50 = | | x \$250 | \$ | |
| Surcharge of \$130.00 for furnishing the oath or declaration later than 30 months from the earliest claimed priority date (37 CFR 1.492(h)). | | | | \$ | |
| CLAIMS | NUMBER FILED | NUMBER EXTRA | RATE | \$ | |
| Total claims | 18 - 20 = | | x \$50 | \$ \$0.00 | |
| Independent claims | 2 - 3 = | | x \$200 | \$ \$0.00 | |
| MULTIPLE DEPENDENT CLAIM(S) (if applicable) | | | + \$360 | \$ \$0.00 | |
| TOTAL OF ABOVE CALCULATIONS = | | | | \$ \$0.00 | |
| <input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. Fees above are reduced by ½. | | | | | |
| Adjustment Date: 08/10/2005 WALVARAD | | | | | |
| Processing fee of \$130.00 for furnishing the English translation later than 30 months from the earliest claimed priority date (37 CFR 1.492(i)). | | 08/10/2005 WALVARAD 00000069 210550 10528851 08 FC:1632 + \$0.00 CR | | | |
| | | TOTAL NATIONAL FEE = | | \$ \$1,000.00 | |
| Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40.00 per property | | + \$40.00 | | \$ \$40.00 | |
| | | TOTAL FEES ENCLOSED = | | \$ \$1,040.00 | |
| | | Amount to be refunded: 210550 10528851 Amount to be charged: 210550 be 10528851 08 FC:1632 \$1,040.00 charged: | | \$ \$1,040.00 | |
| a. <input type="checkbox"/> A check in the amount of \$ _____ to cover the above fees is enclosed. | | | | | |
| b. <input checked="" type="checkbox"/> Please charge my Deposit Account No. <u>21-0550</u> in the amount of \$ <u>\$1,040.00</u> to cover the above fees. A duplicate copy of this sheet is enclosed. | | | | | |
| c. <input checked="" type="checkbox"/> The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. <u>21-0550</u> . A duplicate copy of this sheet is enclosed. | | | | | |
| d. <input type="checkbox"/> Fees are to be charged to a credit card. WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038. | | | | | |
| NOTE: Where an appropriate time limit under 37 CFR 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the International Application to pending status. | | | | | |
| SEND ALL CORRESPONDENCE TO: Brian D. Lefort U.S. Surgical, a division of TYCO Healthcare Group, LP 150 Glover Avenue Norwalk, CT 06856 | | | | | |
|  SIGNATURE Brian D. Lefort NAME Reg. No. 43,747 REGISTRATION NUMBER | | | | | |

JC06 Rec'd PCT/PTO 23 MAR 2005

PTO/SB/17 (12-04v2)

Approved for use through 07/31/2006. OMB 0651-0032

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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Effective on 12/08/2004.

Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818).

FEE TRANSMITTAL For FY 2005

 Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$)

Complete if Known

| | |
|----------------------|-----------------------|
| Application Number | To Be Assigned |
| Filing Date | Concurrently Herewith |
| First Named Inventor | Philip C. ROY |
| Examiner Name | To Be Assigned |
| Art Unit | To Be Assigned |
| Attorney Docket No. | 2870 (203-3505) |

METHOD OF PAYMENT (check all that apply)

Check Credit Card Money Order None Other (please identify): _____

Deposit Account Deposit Account Number: 21-0550 Deposit Account Name: United States Surgical

For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)

- Charge fee(s) indicated below Charge fee(s) indicated below, except for the filing fee
- Charge any additional fee(s) or underpayments of fee(s) Credit any overpayments

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

FEE CALCULATION

1. BASIC FILING, SEARCH, AND EXAMINATION FEES

| Application Type | FILING FEES | | SEARCH FEES | | EXAMINATION FEES | | |
|------------------|-------------|-----------------------|-------------|-----------------------|------------------|-----------------------|----------------|
| | Fee (\$) | Small Entity Fee (\$) | Fee (\$) | Small Entity Fee (\$) | Fee (\$) | Small Entity Fee (\$) | Fees Paid (\$) |
| Utility | 300 | 150 | 500 | 250 | 200 | 100 | \$1000.00 |
| Design | 200 | 100 | 100 | 50 | 130 | 65 | |
| Plant | 200 | 100 | 300 | 150 | 160 | 80 | |
| Reissue | 300 | 150 | 500 | 250 | 600 | 300 | |
| Provisional | 200 | 100 | 0 | 0 | 0 | 0 | |

2. EXCESS CLAIM FEES

Fee Description

Each claim over 20 (including Reissues)

Each independent claim over 3 (including Reissues)

Multiple dependent claims

| Total Claims | Extra Claims | Fee (\$) | Fee Paid (\$) | Small Entity | |
|--------------|--------------|----------|---------------|--------------|----------|
| | | | | Fee (\$) | Fee (\$) |
| 18 | - 20 or HP = | x | = 0 | 50 | 25 |
| | | | | 200 | 100 |
| | | | | 360 | 180 |

| Total Claims | | Extra Claims | | Small Entity | |
|---------------|--------------|--------------|---------------|--------------|---------------|
| Indep. Claims | Extra Claims | Fee (\$) | Fee Paid (\$) | Fee (\$) | Fee Paid (\$) |
| 2 | - 3 or HP = | x | = 0 | 0 | |
| | | | | | |

HP = highest number of total claims paid for, if greater than 3.

3. APPLICATION SIZE FEE

If the specification and drawings exceed 100 sheets of paper (excluding electronically filed sequence or computer listings under 37 CFR 1.52(e)), the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).

| Total Sheets | Extra Sheets | Number of each additional 50 or fraction thereof | Fee (\$) | Fee Paid (\$) |
|--------------|--------------|--|----------|---------------|
| 33 | - 100 = | / 50 = (round up to a whole number) x | | 0 |

4. OTHER FEE(S)

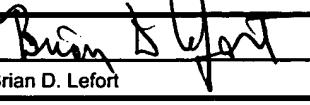
Non-English Specification, \$130 fee (no small entity discount)

Other (e.g., late filing surcharge): Recording the Assignment (37 CFR 1.21(h))

Fees Paid (\$)

\$40.00

SUBMITTED BY

| | | | |
|-------------------|---|---|------------------------|
| Signature |  | Registration No. (Attorney/Agent) Reg. No. 43, 747 | Telephone 203-845-1358 |
| Name (Print/Type) | Brian D. Lefort | Date 3/23/2005 | |

This collection of information is required by 37 CFR 1.136. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 30 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

10/528851

JC06 Rec'd USPTO 23 MAR 2005

Docket No. 2870 (203-3505)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Philip C. ROY
Serial No.: To Be Assigned Filed: Concurrently Herewith
Examiner: To Be Assigned Group: To Be Assigned
For: PNEUMATIC POWERED SURGICAL STAPLING DEVICE

MailStop PCT
Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

CERTIFICATE OF EXPRESS MAILING

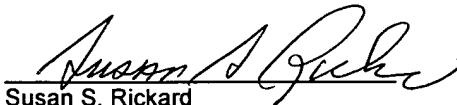
"Express Mail" Mailing Label No.: EU799732609US

Date of Deposit: *March 23, 2005*

I hereby certify that the following:

- This Certificate of Mailing
- Application Transmittal Letter (2 pages)
- Fee Transmittal for FY 2005 (1 page)
- Application (26 pages including specification, claims and abstract)
- 7 sheets of drawings (formal)
- Preliminary Amendment (7 pages)
- Combined Declaration and Power of Attorney (3 pages)
- Assignment of Invention (3 pages)
- Recordation Cover Sheet
- Copy of PCT/IB/308
- Information Disclosure Statement (2 pages)
- 1449 (2 pages)
- International Search Report dated May 26, 2004 (5 pgs)
- Return Postcard

are being deposited with the United States Postal Services under 37 CFR Section 1/10 on the Date of Deposit indicated above in an envelope as "Express Mail Post Office to Addressee" Mail Label Number EU799732609US addressed to the U.S. Patent & Trademark Office, PO Box 1450, Alexandria, VA 22313-1450, Mail Stop PCT.


Susan S. Rickard

U.S. Surgical, a division of
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Norwalk, Connecticut 06856
(203) 845-4489